



543284

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Latvala) recommended the following:

1 **Senate Substitute for Amendment (577610) (with title**
2 **amendment)**

3
4 Between lines 90 and 91
5 insert:

6 Section 1. Subsection (4) is added to section 421.04,
7 Florida Statutes, to read:

8 421.04 Creation of housing authorities.—

9 (4) Regardless of the date of its creation, a housing
10 authority may not apply to the Federal Government to seize any



543284

11 projects, units, or vouchers of another established housing
12 authority, irrespective of each housing authority's areas of
13 operation.

14 Section 2. Subsection (2) of section 421.05, Florida
15 Statutes, is amended to read:

16 421.05 Appointment, qualifications, and tenure of
17 commissioners; hiring of employees.-

18 (2) The powers of each authority shall be vested in the
19 commissioners thereof in office from time to time. A majority of
20 the commissioners shall constitute a quorum of the authority for
21 the purpose of conducting its business and exercising its powers
22 and for all other purposes. Action may be taken by the authority
23 upon a vote of a majority of the commissioners present, unless
24 in any case the bylaws of the authority require a larger number.
25 The mayor with the concurrence of the governing body shall
26 designate ~~which of the commissioners appointed shall be the~~
27 first chair from among the appointed commissioners, but when the
28 office of the chair of the authority thereafter becomes vacant,
29 the authority shall select a chair from among the its
30 commissioners. An authority shall also select from among the its
31 commissioners a vice chair,~~r~~ and it may employ a secretary, who
32 shall be the executive director, technical experts, and such
33 other officers, agents, and employees, permanent and temporary,
34 as it may require and shall determine their qualifications,
35 duties, and compensation. Accordingly, authorities are exempt
36 from s. 215.425. For such legal services as it may require, An
37 authority may call upon the chief law officer of the city or may
38 employ its own counsel and legal staff for legal services. An
39 authority may delegate to one or more of its agents or employees



543284

40 such powers or duties as it may deem proper.

41 Section 3. Subsection (1) of section 421.091, Florida
42 Statutes, is amended to read:

43 421.091 Financial accounting and investments; fiscal year.—

44 (1) A complete and full financial accounting and audit in
45 accordance with federal audit standards of public housing
46 agencies shall be made biennially by a certified public
47 accountant and submitted to the Federal Government in accordance
48 with its policies. Housing authorities are otherwise exempt from
49 the reporting requirements of s. 218.32. A copy of such audit
50 shall be filed with the governing body and with the Auditor
51 General.

52 Section 4. Section 421.281, Florida Statutes, is created to
53 read:

54 421.281 Consolidated Housing Authorities.—

55 (1) CREATION.—

56 (a) If the commissioners of at least two municipal or
57 municipal and county housing authorities of neighboring areas of
58 operation that are not under federal receivership declare by
59 identical resolution, after a public hearing and two consecutive
60 meetings at which such resolution is heard, that there is a need
61 for merging their authorities which serves the best interest of
62 their respective tenants and communities, one housing authority
63 shall be created for all of such authorities to exercise powers
64 and other functions herein prescribed in such areas of operation
65 through a public body corporate and politic to be known as a
66 consolidated housing authority.

67 (b) After the consolidation, each housing authority created
68 by s. 421.04 or s. 421.27 for each of the areas shall cease to



543284

69 exist except for the purpose of winding up its affairs and
70 executing a deed to the consolidated housing authority as
71 hereafter provided, if:

72 1. All obligees of such housing authorities and parties to
73 the contracts, bonds, notes, and other obligations of such
74 housing authorities agree to the substitution of the
75 consolidated housing authority; and

76 2. The commissioners of such housing authorities adopt a
77 resolution consenting to the transfer of all of the rights,
78 contracts, obligations, and property, real and personal, to the
79 consolidated housing authority.

80 (c) When any real property of a housing authority vests in
81 a consolidated housing authority as provided in subsection (2),
82 the housing authority shall execute a deed of such property to
83 the consolidated housing authority which thereupon shall file
84 such deed with the recorder of deeds of the county where such
85 real property is located.

86 (d) In any suit, action, or proceeding involving the
87 validity or enforcement of or relating to any contract of the
88 consolidated housing authority, the consolidated housing
89 authority shall be conclusively deemed to have become created,
90 established, and authorized to transact business and exercise
91 its powers hereunder upon proof of the adoption of a resolution
92 by the commissioners of each of the authorities creating the
93 consolidated housing authority.

94 (e) No more than three housing authorities may be
95 consolidated within a 10-year period, unless there is a
96 resolution of each housing authority and local government within
97 the area of operation in support of such additional



543284

98 consolidation.

99 (2) AREA OF OPERATION.—

100 (a) The area of operation of a consolidated housing
101 authority shall include the combined areas of operation of the
102 housing authorities which merged to form the consolidated
103 housing authority.

104 (b) In connection with the issuance of bonds or the
105 incurring of other obligations, a consolidated housing authority
106 may covenant as to limitations on its right to adopt resolutions
107 relating to the increase of its area of operation.

108 (3) COMMISSIONERS.—

109 (a) When a consolidated housing authority has been created,
110 the consolidation plan must include provision for the
111 distribution of appointments among the existing appointing
112 authorities. The appointing authorities shall thereupon appoint
113 seven persons, with at least one qualified elector from each
114 area of operation included therein, provided that there are
115 suitable candidates who are willing to serve from each area of
116 operation.

117 (b) When the area of operation of a consolidated housing
118 authority is increased to include an additional area of
119 operation as herein provided, the consolidation plan must
120 provide for the appointment of one qualified elector from each
121 such additional area of operation as a commissioner. The number
122 of commissioners of a consolidated housing authority may be
123 increased above seven only for the implementation of this
124 subsection.

125 (c) If any county is later excluded from the area of
126 operation of a consolidated housing authority, the office of the



543284

127 commissioner of such housing authority appointed as provided in
128 subsection (2) is abolished.

129 (d) If the area of operation of a consolidated housing
130 authority consists at any time of an even number of counties,
131 the Governor shall appoint one additional commissioner, who
132 shall be a qualified elector from one of the counties in such
133 area of operation.

134 (e) A certificate of the appointment of any commissioner of
135 a consolidated housing authority shall be filed with the county
136 clerk of the county from which the commissioner is appointed,
137 and such certificate shall be conclusive evidence of the due and
138 proper appointment of such commissioner.

139 (f) The commissioners of a consolidated housing authority
140 shall be appointed for staggered terms of 4 years, except that
141 the terms of the initial appointees may be truncated to stagger
142 them properly, and all vacancies shall be filled for the
143 unexpired terms. Each commissioner shall hold office until a
144 successor has been appointed and has qualified, except as
145 otherwise provided herein. The appointing authority shall
146 thereafter appoint the successor of each commissioner.

147 (g) The commissioners of a consolidated housing authority
148 shall elect a chair from among the commissioners and shall have
149 power to select or employ such other officers and employees as
150 the housing authority may require. A majority of the
151 commissioners of a consolidated housing authority shall
152 constitute a quorum of such authority for the purpose of
153 conducting its business and exercising its powers and for all
154 other purposes.

155 (4) POWERS AND DUTIES.—Except as otherwise provided herein,



543284

156 a consolidated housing authority and the commissioners thereof
157 shall, within the area of operation of such consolidated housing
158 authority, have the same functions, rights, powers, duties,
159 privileges, and immunities provided for housing authorities
160 created for cities or counties. A consolidated housing authority
161 shall have power to select any appropriate corporate name.

162 Section 5. Section 421.32, Florida Statutes, is amended to
163 read:

164 421.32 Rural housing projects.—County housing authorities,
165 consolidated housing authorities, and regional housing
166 authorities are specifically empowered and authorized to borrow
167 money, accept grants, and exercise their other powers to provide
168 housing for farmers of low income and domestic farm labor as
169 defined in s. 514 of the Federal Housing Act of 1949. In
170 connection with such projects, any such housing authority may
171 enter into such leases or purchase agreements, accept such
172 conveyances, and rent or sell dwellings forming part of such
173 projects to or for farmers of low income~~,~~ as such housing
174 authority deems necessary in order to assure the achievement of
175 the objectives of this law. Such leases, agreements, or
176 conveyances may include such covenants as the housing authority
177 deems appropriate regarding such dwellings and the tracts of
178 land described in any such instrument, which covenants shall be
179 deemed to run with the land when ~~where~~ the housing authority
180 deems it necessary and the parties to such instrument so
181 stipulate. In providing housing for farmers of low income,
182 county housing authorities, consolidated housing authorities,
183 and regional housing authorities are ~~shall~~ not ~~be~~ subject to the
184 limitations provided in ss. 421.08(1)(c) ~~421.08(3)~~ and



543284

185 421.10(3). ~~Nothing contained in~~ This section does not limit
186 ~~shall be construed as limiting~~ any other powers of any housing
187 authority.

188 Section 6. Section 421.321, Florida Statutes, is amended to
189 read:

190 421.321 Execution of mortgages.—County, consolidated, and
191 regional housing authorities organized under this chapter are
192 authorized to execute mortgages encumbering real property as
193 security for loans made for providing facilities for domestic
194 farm labor pursuant to s. 514 of the Federal Housing Act of
195 1949.

196 Section 7. Section 421.33, Florida Statutes, is amended to
197 read:

198 421.33 Housing applications by farmers.—The owner of any
199 farm operated, or worked upon, by farmers of low income in need
200 of safe and sanitary housing may file an application with a
201 housing authority created for a county, consolidated, or a
202 regional housing authority requesting that it provide for a safe
203 and sanitary dwelling or dwellings for occupancy by such farmers
204 of low income. Such applications shall be received and examined
205 by housing authorities in connection with the formulation of
206 projects or programs to provide housing for farmers of low
207 income. ~~Provided,~~ However, ~~that~~ if it becomes necessary for an
208 applicant under this section to convey any portion of the
209 applicant's then homestead in order to take advantages as
210 provided herein, then in that event, the parting with title to a
211 portion of said homestead shall not affect the remaining portion
212 of same, but all rights that said owner may have in and to same
213 under and by virtue of the State Constitution ~~of the state~~ or



543284

214 any law passed pursuant thereto, shall be deemed and held to
215 apply to such remaining portion of said land, the title of which
216 remains in said applicant. ~~it being the intention of~~ The
217 Legislature intends to permit the owner of any farm operated or
218 worked upon by farmers of low income in need of safe and
219 sanitary housing to take advantage of the provisions of this law
220 without jeopardizing the owner's ~~their~~ rights in the owner's
221 ~~their~~ then homestead by reason of any requirement that may be
222 necessary in order ~~for them~~ to receive the benefits herein
223 provided, and no court shall ever construe that an applicant
224 who has taken advantage of this law has in any manner, shape, or
225 form abandoned his or her rights in any property that is the
226 applicant's then homestead by virtue of such action upon his or
227 her part, but it shall be held, construed, and deemed that such
228 action upon the part of any applicant hereunder was not any
229 abandonment of the applicant's then homestead, and that all
230 rights that the applicant then had therein shall be and remain
231 as provided by the State Constitution and any law enacted
232 pursuant thereto.

233
234 ===== T I T L E A M E N D M E N T =====

235 And the title is amended as follows:

236 Delete line 2

237 and insert:

238 An act relating to housing for low-income persons;
239 amending s. 421.04, F.S.; prohibiting a housing
240 authority from applying to the Federal Government to
241 seize projects, units, or vouchers of another
242 established housing authority; amending s. 421.05,



543284

243 F.S.; exempting authorities from s. 215.425, F.S.;

244 amending s. 421.091, F.S.; requiring a full financial

245 accounting and audit of public housing agencies to be

246 submitted to the Federal Government pursuant to

247 certain requirements; exempting housing authorities

248 from specified reporting requirements; creating s.

249 421.281, F.S.; creating consolidated housing

250 authorities subject to certain requirements and

251 restrictions; specifying the area of operation of a

252 consolidated housing authority; providing for the

253 appointment of commissioners subject to certain

254 requirements and restrictions; providing that a

255 majority of the commissioners constitutes a quorum;

256 specifying the powers and duties of a consolidated

257 housing authority and the commissioners thereof;

258 amending s. 421.32, F.S.; conforming provisions to

259 changes made by the act; conforming a cross-reference;

260 amending ss. 421.321 and s. 421.33, F.S.; conforming

261 provisions to changes made by the act; amending